

# EXHIBIT 12

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL )  
5 PRESCRIPTION ) MDL No. 2804  
6 OPIATE LITIGATION )  
7 \_\_\_\_\_ ) Case No.  
8 ) 1:17-MD-2804  
9 )  
10 THIS DOCUMENT RELATES ) Hon. Dan A.  
11 TO ALL CASES ) Polster  
12 )

13 TUESDAY, APRIL 23, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Mark A.  
18 Schumacher, M.D., Ph.D., held at the offices of  
19 Morgan, Lewis & Bockius LLP, One Market,  
20 Spear Street Tower, San Francisco,  
21 California, commencing at 9:35 a.m., on the  
22 above date, before Carrie A. Campbell,  
23 Registered Diplomat Reporter and Certified  
24 Realtime Reporter.

25 - - -

26 GOLKOW LITIGATION SERVICES  
27 877.370.3377 ph | 917.591.5672 fax  
28 deps@golkow.com

1 QUESTIONS BY MR. ERCOLE:

2 Q. Fair enough.

3 Are you familiar with any  
4 marketing document pertaining to Cephalon?

5 MR. LOESER: Same objection as  
6 I made before, which is that the  
7 witness has indicated his lack of  
8 familiarity with the subsidiaries and  
9 affiliates of the listed defendants.

10 If you want to ask him and  
11 clarify the relationship, you might  
12 get more information.

13 MR. ERCOLE: Counsel, you  
14 should probably take a look at  
15 footnote 1.

16 QUESTIONS BY MR. ERCOLE:

17 Q. But you can answer the  
18 question, sir.

19 A. Fair enough.

20 I'm not aware of any marketing  
21 materials that I reviewed that were available  
22 to be reviewed that were the basis of the  
23 report. Again, my intent was to draw  
24 examples.

25 Q. Fair enough.

1 I'll also represent to you that  
2 there are no documents referenced in either  
3 your report or appendix pertaining to Teva  
4 Pharmaceuticals.

5 MR. LOESER: Objection. Form.

6 QUESTIONS BY MR. ERCOLE:

7 Q. So my question to you is: Are  
8 you familiar with any marketing document  
9 pertaining to Teva USA or Teva?

10 MR. LOESER: Objection. Form.

11 THE WITNESS: In the  
12 preparation of my report, I did not  
13 review any marketing materials from  
14 Teva.

15 QUESTIONS BY MR. ERCOLE:

16 Q. I'll represent to you that with  
17 respect to two entities, Actavis Pharma and  
18 Actavis, LLC, there are no documents  
19 reflected in your appendix that have been  
20 produced or come from those companies.

21 Is it fair to say that you  
22 haven't reviewed any of those marketing  
23 materials, too?

24 MR. LOESER: Objection. Form.

25 THE WITNESS: I just need a

1 moment to consider that.

2 Well, within the document  
3 page 25 within the appendix, the Bate  
4 stamp, I believe, 301, 302, shows  
5 Actavis as part of that.

6 QUESTIONS BY MR. ERCOLE:

7 Q. Do you know whether those  
8 documents pertain to Actavis Pharma or  
9 Actavis LLC in any way, shape or form?

10 MR. LOESER: Objection. Form.

11 THE WITNESS: It's my  
12 understanding that that is the acronym  
13 for Actavis.

14 QUESTIONS BY MR. ERCOLE:

15 Q. And I'll represent to you, sir,  
16 that those are not documents that either  
17 Actavis Pharma or Actavis LLC produced or  
18 that relate to them.

19 So other than those two  
20 documents, can you -- sitting here today, can  
21 you recall any marketing that you reviewed  
22 pertaining to or from Actavis Pharma or  
23 Actavis LLC?

24 MR. LOESER: Objection. Form.

25 I also object to your

1           A.       It's an example of the call  
2       notes.

3           Q.       Well --

4           A.       There were thousands and  
5       thousands of call notes that were provided by  
6       counsel.

7           Q.       Okay. Well, Exhibit B, at  
8       least, are the call notes that --

9           A.       Are --

10          Q.       Let me just finish.

11                   Exhibit B reflects the call  
12       notes that you've considered in connection  
13       with this case; is that correct?

14          A.       That is correct.

15          Q.       Okay. Sitting here today, can  
16       you identify for me any false statements that  
17       were made by Cephalon or a Cephalon sales  
18       representative to any prescriber in Ohio?

19                   MR. LOESER: Objection to form.

20                   THE WITNESS: I'm not aware of  
21       any.

22                   MR. LOESER: Counsel, we've  
23       been going about another hour. So if  
24       you finish up this line --

25                   MR. ERCOLE: Sure.

1 MR. LOESER: And again, we  
2 should talk about whether we want to  
3 take lunch now or come back and  
4 take --

5 QUESTIONS BY MR. ERCOLE:

6 Q. Okay. Sitting here today, can  
7 you identify for me any false statements that  
8 were made by Teva or Teva USA or a Teva USA  
9 sales representative to any prescriber in  
10 Ohio?

11 MR. LOESER: Objection. Form.

12 THE WITNESS: No, I have no  
13 information to support that.

14 QUESTIONS BY MR. ERCOLE:

15 Q. Sitting here today, can you  
16 identify for me any false statements that  
17 were made by Watson Laboratories or Watson  
18 Laboratories sales representative to any  
19 prescriber in Ohio?

20 MR. LOESER: Objection. Form.

21 And again, the issue of  
22 subsidiaries and whether you want to  
23 explain the relationship.

24 THE WITNESS: I don't know.  
25

1 QUESTIONS BY MR. ERCOLE:

2 Q. Sitting here today, can you  
3 identify for me any false statements that  
4 were made by Actavis Pharma or any sales  
5 representative of Actavis Pharma to any  
6 prescriber in Ohio?

7 MR. LOESER: Objection. Form.

8 THE WITNESS: I don't know.

9 QUESTIONS BY MR. ERCOLE:

10 Q. Sitting here today, can you  
11 identify for me any false statements that  
12 were made by Actavis LLC or any sales  
13 representative of Actavis LLC to any  
14 prescriber in Ohio?

15 MR. LOESER: Objection. Form.

16 Same objection about  
17 subsidiaries and what information you  
18 would like the witness to evaluate  
19 when answering your questions.

20 THE WITNESS: I don't know.

21 QUESTIONS BY MR. ERCOLE:

22 Q. How about sitting here today --  
23 putting aside "to prescribers in Ohio."

24 Sitting here today, can you  
25 identify any false statement that any of



1       those entities I just identified, Cephalon,  
2       Watson Labs, Teva USA, Actavis Pharma or  
3       Actavis LLC have made in any context?

4                   MR. LOESER:   Objection.   Form.

5                   THE WITNESS:   Given the  
6                   materials that I've reviewed, I -- and  
7                   focused on the report, which is not  
8                   intended to be an exhaustive review of  
9                   the -- of all manufacturers, I do not  
10                  have evidence for those listed  
11                  companies.

12                  MR. LOESER:   Is now a good time  
13                  for a break?

14                  MR. ERCOLE:   Sure, if you want  
15                  to take a break.

16                  THE WITNESS:   Yeah, I think  
17                  that would be good.

18                  MR. LOESER:   And do you want to  
19                  just break for lunch, or do you want  
20                  to come back and then go another --

21                  MR. ERCOLE:   How about we go  
22                  off the record and then talk about  
23                  that?

24                  VIDEOGRAPHER:   Okay.   We are  
25                  now going off the record, and the time

1 is 11:46 a.m.

2 (Off the record at 11:46 a.m.)

3 VIDEOGRAPHER: We are now going  
4 back on the record, and the time is  
5 12:39 p.m.

6 QUESTIONS BY MR. ERCOLE:

7 Q. Good afternoon, Dr. Schumacher.

8 A. Good afternoon.

9 Q. Sir, have you -- in your  
10 capacity as a treating physician, have you  
11 ever been visited or detailed by sales  
12 representatives from pharmaceutical  
13 companies?

14 A. Yes.

15 Q. Okay. And how many -- is that  
16 a frequent occurrence?

17 A. Not recently. The university  
18 had instituted a number of rules that further  
19 and further restrict pharmaceutical reps to  
20 have direct access to physicians and training  
21 physicians.

22 Q. When were you detailed by  
23 pharmaceutical representatives?

24 Do you have an approximate  
25 period of time?